

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO**

STANLEY FORD, individually and on behalf of all other similarly situated,)	CASE NO. 1:18CV01155
)	
)	JUDGE DAN AARON POLSTER
)	
Plaintiff,)	
)	
v.)	
)	DEFENDANT CITIZENS BANK, N.A.'S
CITIZENS BANK, N.A., dba Citizens)	INITIAL DISCLOSURES
One Home Loans,)	
)	
Defendant.)	
)	

Pursuant to Rule 26(a) of the Federal Rules of Civil Procedure, Defendant Citizens Bank, N.A. ("Citizens"), by and through undersigned counsel, hereby provides the following Initial Disclosures based on information reasonably available to it. Citizens' investigation and discovery of possible witnesses, documents and damages are ongoing. As a result, Citizens reserves the right to supplement and/or amend these Initial Disclosures to produce additional information acquired during the course of discovery and to rely on such information as evidence in this action.

These Initial Disclosures are made without waiver of Citizens' right to object to any discovery request or other proceeding concerning the subject matter of these Initial Disclosures based on competency, privilege, relevance, materiality, hearsay or any other proper ground for objection.

I. Individuals Likely to Have Discoverable Information that Citizens May Use to Support its Claims or Defenses

Pursuant to Rule 26(a)(1)(A)(i), Citizens makes its initial disclosure of the following individuals likely to have discoverable information that Citizens may use to support its claims or

defenses and identifies the subjects of that information. All agents and/or employees of Citizens should only be contacted through undersigned counsel of record.

A. Plaintiff Stanley Ford

Plaintiff is likely to have information relating to the loan at issue, the Requests for Information and Notices of Error sent to Citizens, as well as the veracity of his claims. Plaintiff will be contacted through his attorney, Marc Dann.

B. Alleged Putative Class Members

The Alleged Putative Class Members have information relating to loan(s) held by Citizens, any Requests for Information, Notices of Error and/or Qualified Written Requests sent to Citizens, as well as the veracity of their claims. The Alleged Putative Class Members will be contacted through their attorney, Marc Dann.

C. Whitney Kaster

Whitney Kaster is likely to have information relating to the issuance of the Requests for Information and Notices of Error to Citizens on behalf of Plaintiff.

D. Representative(s) of the Foreclosure Support Team

Representative(s) of Citizens' Foreclosure Support Team are anticipated to have information relating to Citizens' procedures regarding Requests for Information, Notices of Error and Qualified Written Requests. The Representative(s) are also anticipated to have information regarding the Requests for Information and Notices of Error and related responses at issue in this matter. Representative(s) of the Foreclosure Support Team can be contacted through undersigned counsel.

E. Attorney(s) of Carlisle, McNellie, Rini, Kramer & Ulrich Co., LPA

Attorney(s) of the law firm of Carlisle, McNellie, Rini, Kramer & Ulrich Co. LPA are anticipated to have non-privileged information regarding the foreclosure proceeding currently pending in the Cuyahoga County Court of Common Pleas known as Federal National Mortgage Association v. Stanley Ford, Case No. CV11760032.

II. Documents in Citizens' Possession, Custody or Control that Citizens May Use to Support its Claims or Defenses

Pursuant to Rule 26(a)(1)(A)(ii), Citizens is in the process of collecting documents, electronically stored information and tangible things of which it currently has knowledge, that it may use to support its claims or defenses and that are in its possession, custody or control. The collection of documents, electronically stored information and tangible things by Citizens is ongoing, and Citizens reserves the right to supplement and/or amend its Initial Disclosures as to the identification of additional materials.

To date, the materials collected consist of documents attached to the Complaint and documents attached to Citizens' responses to the Notices of Error sent by the Plaintiff.

III. Computation of Damages

Pursuant to Rule 26(a)(1)(A)(iii), Citizens does not believe damages should be awarded to Plaintiff and therefore its computation of damages is zero. However, assuming that this Court determines that 12 USC §2605(e) is applicable to the case at hand and that Plaintiff is entitled to damages pursuant to said statute, then the computation of damages is established by §2605(f).

IV. Insurance Agreements

Pursuant to Rule 26(a)(1)(A)(iv), Citizens discloses that it does not currently believe there is an insurance agreement under which any person conducting an insurance business may

be liable to satisfy part or all of a judgment which may be entered in this action or to indemnify or reimburse for payments made to satisfy the judgment.

Respectfully Submitted,

/s/ Kathleen A. Nitschke

Kerin Lyn Kaminski (0013522)

Kathleen A. Nitschke (0073397)

Melissa A. Laubenthal (0078741)

Lindsey Powell Rozek (0097124)

GIFFEN & KAMINSKI, LLC

1300 East Ninth Street, Suite 1600

Cleveland, Ohio 44114

Telephone: 216-621-5161

Facsimile: 216-621-2399

E-Mail: kkaminski@thinkgk.com

knitschke@thinkgk.com

mlaubenthal@thinkgk.com

lrozek@thinkgk.com

Counsel for Defendant Citizens Bank, N.A.

CERTIFICATE OF SERVICE

I hereby certify that on September 28, 2018, a copy of the foregoing *Citizens Bank, N.A.'s Initial Disclosures* was served via Electronic Mail and Regular U.S. Mail, postage prepaid upon the following Parties:

Marc E. Dann, Brian D. Flick and Daniel M. Solar, Counsel for Plaintiff Stanley Ford and Class at notices@dannlaw.com.

Thomas A. Zimmerman, Jr. (*Pro Hac Vice*) and Matthew C. De Re (*Pro Hac Vice*), Counsel for Plaintiff Stanley Ford and Class at tom@attorneyzim.com and matt@attorneyzim.com.

/s/ Kathleen A. Nitschke

Kathleen A. Nitschke (0073397)

Counsel for Defendant Citizens Bank, N.A.